

Remarks

Claims 1-41 were rejected under 35 U.S.C. § 102(e) as being anticipated by Paterson '230. In view of the foregoing amendments and the following remarks, it is respectfully submitted that the pending claims are patentable over Paterson '230 and over all the prior art of record, including the references listed in information disclosure statement filed herewith.

As discussed in the Background section of the application, composites are being used more and more in non-structural applications such as decking. Composites typically require less maintenance and provide a lower risk of exposure to harmful chemicals than pressured-treated lumber. Natural wood products are, however, still desirable in constructing portions of a deck, since they typically provide more strength than comparably priced composites. Thus, a deck has a non-uniform appearance, still requires a high-level of maintenance, and still exposes deck users to leaching chemicals.

The present invention solves these problems by providing the strength of a natural wood product with the advantages of a composite. The wood-based substrate provides the strength, while the composite layer that coats the substrate reduces the amount of maintenance required, provides a uniform appearance with conventional all-composite components, and does not subject users to leaching chemicals.

Although some of the prior art of record shows a wood product encased in a layer made with plastics, none of the prior art shows such an outer layer with made with an organic filler, wherein the organic filler is at least one of saw dust, wood flour, wood fibers, by products of paper manufacturing, and recycled cellulose, as required by claims 1-6, 10-12 and 30-32. Similarly, none of the prior art shows such an outer layer made with a polymer and an organic filler, wherein the layer is foamed, as required by claims 8, 9, 13-27, 33-36 and 41. None of the prior art shows a product that includes a wood-based substrate, a composite layer including a polymer and an organic filler, and an additional, coextruded layer, as required by claims 28, 29 and 37-40.

The applicants accordingly submit that the claims are in condition for allowance and ask that the application be reconsidered in view of these amendments and remarks.

The Commissioner is hereby authorized to charge \$300.00 for the three additional independent claims to our Deposit Account No. 19-4972.

The Commissioner is also hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 19-4972. Applicants request reconsideration of the rejected claims and a notice of allowance. The Examiner is requested to telephone the undersigned if any matters remain outstanding so that they may be resolved expeditiously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy M. Murphy', with a long horizontal flourish extending to the right.

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